

**MINUTES OF THE BOARD OF SUPERVISORS  
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF APRIL 4, 2011

Being the first day of the April Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on April 4, 2011, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:	Absent:	None
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Supervisor John Bell Crosby *participating via Conference Call*  
Supervisor Tim Johnson  
Supervisor D. I. Smith  
Supervisor Karl M. Banks  
Supervisor Paul Griffin  
Chancery Clerk Arthur Johnston

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers  
County Comptroller Quandice Green  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Board Attorney Eric Hamer  
County Road Manager Lawrence Morris  
County Engineer Rudy Warnock  
E911 Director Butch Hammack  
County Purchase Clerk Hardy Crunk  
Fire Coordinator Mack Pigg  
Tax Collector Kay Pace  
Election Commissioner Kakey Chaney  
Election Commissioner Pat Truesdale

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Supervisor D. I. Smith led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Approval of Minutes From March 2011 Term***

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the March 2011 term, said meetings having been conducted on March 7, March 21, and March 23, 2011,

Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Minutes for the March 2011 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Appointment of New State Aid Engineer and  
Approval of Transition Agreement with State Aid Engineer***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain “Agreement by and between John J. Granberry, P.E. (Warnock & Associates, LLC), Rudy Warnock, P.E. (Warnock & Associates, LLC) and Madison County, Mississippi” for the transfer of engineering responsibilities associated with state aid projects to Rudy Warnock of Warnock & Associates, LLC, and

WHEREAS, a true and correct copy of said Transition Agreement is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock announced that Mr. Granberry had withdrawn from his firm and had accepted a position with another engineering concern out of state,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve said transition agreement, (2) appoint Rudy Warnock of Warnock & Associates as the State Aid/LSBP Engineer to take the place of former State Aid Engineer John Granberry, and (3) authorize the Board President to execute said agreement. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said transition agreement was and is hereby approved; Mr. Warnock was and is hereby appointed; and the Board President was and is hereby authorized.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Approval of Mississippi Department of Transportation  
Agreement for I-55 and Gluckstadt Road Interchange***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain “Agreement for Construction and Maintenance of High Mast Lighting System at the I-55/Gluckstadt Road Interchange, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, and requested approval of same, and

WHEREAS, Mr. Warnock reported that once the installation of said lighting system is completed, the county would take over and maintain the lighting system,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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approve said agreement and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

the matter carried by the unanimous vote (4-1) of the Board and said agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Approval of Contract to Remove Grave Sites – Calhoun Station Phase 3***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain proposal for the removal of certain grave sites associated with a cemetery located along the right of way of the proposed Calhoun Station Phase 3 project, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock requested that the Board select one of the two alternatives set forth in said proposal as either the graves would have to be relocated or the road re routed,

Following discussion, Mr. Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to select Alternative II with Archaeology Mississippi, Inc. to remove the cemetery only at a cost of \$1,500.00 per grave. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote (4-1) of the Board and said Alternative II was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Authorization to Advertise for Moss Road Reconstruction Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to advertise for bids for the Moss Road Reconstruction Project and to prepare the necessary specifications therefor, and

WHEREAS, Mr. Warnock reported that said bids would be to reconstruct and widen approximately one mile of Moss Road from Robinson Road southerly to a point between Kearney Road and Moss Road Bridge

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Purchase Clerk Hardy Crunk and County Engineer Rudy Warnock to advertise for bids for the Moss Road Reconstruction Project and to prepare the necessary specifications therefor. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Crunk and Mr. Warnock were and are hereby authorized.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Consideration of Subcontractor Requests Forms -  
Cox Ferry Road Reconstruction - SAP-45(5)M***

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid and LSBP Engineer John Granberry appeared before the Board and presented four (4) subcontract request forms related to the Cox Ferry Road Reconstruction Project, SAP-45(5)M, true and correct copies of which are attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock requested the Board approve same and authorize the Board President to execute said subcontracts,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the aforementioned subcontracts and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said subcontracts were and are hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Approval of Final Plat of Sundown at Caroline Subdivision***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Sundown at Caroline Subdivision and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock pointed out that the streets listed on said plat were private and would not be accepted as public streets, and

WHEREAS, Mr. Warnock also presented a punch list of items requiring completion by the developer for said subdivision, and

WHEREAS, Mr. Warnock recommended the Board grant the developer ninety (90) days to complete said punch list,

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said final plat, (a) contingent on the developer completing the aforementioned punch list within ninety (90) days, (b) contingent on the developer posting a 200% bond per County Engineer requirements, (c) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, and (d) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the final plat of Sundown at Caroline Subdivision was and is hereby approved, all roads depicted thereon to remain private.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Approval of East Madison Water Association  
to Utilize County Right of Way - Moss Road Reconstruction Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board allow East Madison Water Association to relocate its utility lines within and behind county right of way along Moss Road on such terms as the Board did with respect to Canton Municipal Utilities,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) grant an exception to the County's Utility Permit Policy so as to allow East Madison Water Association to relocate its utilities within and behind the county right of way on Moss Road and (2) authorize payment to East Madison Water Association if in the future, a need should arise to move additional utilities along Moss Road. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said exception was and is hereby approved and payment to East Madison Water Association was and is approved with the aforementioned proviso.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Acknowledgment of State Auditor's Report on  
County Engineering Fees***

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of that certain Financial Analysis of Madison County Road Construction Contracts related to Warnock & Associates, Inc., a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

President's Initials: \_\_\_\_\_  
Date Signed: \_\_\_\_\_

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said report was and is hereby acknowledged.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Approval of Consent Agenda Items***

WHEREAS, the Board President announced that he and County Administrator Brad Sellers had conferred in advance of the meeting as to certain matters denominated “Consent Items” which bear Item numbers (2) through (18) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

Therefore, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to take the following actions on the Consent Agenda:

2. **Acknowledge and Approve Personnel Appointment - Road Department.**  
(A true and correct copy of a Personnel Appointment Form from Road Manager Lawrence Morris is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
3. **Approve Monthly Credit Card Report February 8 - March 10, 2011 - General County.**  
(A true and correct copy of that certain memorandum dated March 22, 2011 from County Purchase Clerk Hardy Crunk together with the Sheriff’s Department monthly credit card report is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
4. **Approve Monthly Credit Card Report February 11 - March 10, 2011 - Sheriff’s Department.**  
(A true and correct copy of that certain memorandum dated March 24, 2011 from County Purchase Clerk Hardy Crunk together with the Sheriff’s Department monthly credit card report is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
5. **Approve Location of Culvert Placements.**  
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for the protection of county right of way is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
6. **Acknowledge April 2011 Service Call Schedule Report - Road Department.**  
(A true and correct copy of the April 2011 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Acknowledge March 2011 Closed Call Analysis - Road Department.**  
(A true and correct copy of the March 2011 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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8. **Acknowledge March 2011 Monthly Report - Road Department.**  
(A true and correct copy of the March 2011 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
9. **Acknowledge March 2011 Solid Waste Report.**  
(A true and correct copy of the March 2011 Solid Waste Report submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
10. **Approve FM Software Service Contract/Software License Agreement - Tax Collector.**  
(A true and correct copy of the Service Contract and Software License Agreement between Madison County and FM Software, a/ka/ FMS, is attached hereto as Exhibit J and Exhibit K. The Board President was and is hereby authorized to execute same.)
11. **Approve FM Software Invoice No. 2010-316B.**  
(A true and correct copy of said invoice dated 11/12/10 is attached hereto as Exhibit L.)
12. **Acknowledge, Approve, and Set Special Election for Madison County School Board.**  
(A true and correct copy of that certain correspondence dated March 21, 2011 from Superintendent Michael Kent regarding a special election to be included on the ballot for the upcoming general election in November, 2011 is attached hereto as Exhibit M.)
13. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and the application for which is attached hereto as Collective Exhibit N, spread hereupon, and incorporated herein by reference:
  - (1) Denbury Onshore, LLC - seeking to bore under Yandell Road for the purpose of laying a 24" C02 pipeline.
  - (2) Denbury Onshore, LLC - seeking to bore under North Old Canton Road and Cotton Blossom Road for the purpose of laying a 24" C02 pipeline.
  - (3) AT&T - seeking to place approximately 24,000' of fiber cable along Matlock Drive.
14. **Authorize Advertising for Bids for Emergency Generator at the Chancery Courthouse.**  
(A true and correct copy of that certain memorandum dated March 30, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)
15. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2010 Tax Year.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit P, spread hereupon and incorporated herein by reference.)
16. **Approve *En Masse* Petition for Increases of Assessments of Personal Property for the 2010 Tax Year and Set Public Hearing for April 25, 2011.**  
(A true and correct copy of said Petitions, as accepted by taxpayers, as well as those for which a public hearing is set for April 25, 2011 is attached hereto as Collective Exhibit Q, spread hereupon and incorporated herein by reference.)

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

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17. **Approve Amended Homestead Applications - 2010 Tax Year.**  
(A true and correct copy of that certain memorandum dated March 22, 2011 from Homestead Director Emily Anderson is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference.)
- 18 **Approve *En Masse* Petition for Decreases of Assessments of Personal Property for the 2010 Tax Year.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit S, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Authorizing the Resolution Acknowledging and Approving Bond Documents and Reaffirming a Tax Pledge Agreement - Colony Park Project***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented the following Resolution:

There came on for consideration the matter of acknowledging and approving bond documents and reaffirming a tax pledge agreement in connection with the issuance by the City of Ridgeland, Mississippi (the "City"), of Tax Increment Limited Obligation Bonds, Series 2011, in the principal amount of \$10,375,000 for the development of the Colony Park Project. After full consideration of the matter, Supervisor Karl M. Banks offered and moved the adoption of the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, ACKNOWLEDGING AND APPROVING BOND DOCUMENTS AND REAFFIRMING A TAX PLEDGE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE CITY OF RIDGELAND, MISSISSIPPI, OF TAX INCREMENT LIMITED OBLIGATION BONDS, SERIES 2011, IN THE PRINCIPAL AMOUNT OF \$10,375,000 FOR THE COLONY PARK PROJECT.**

**WHEREAS**, Madison County, Mississippi (the "County") is authorized and empowered by the Constitution and Laws of the State of Mississippi, including Section 21-45-1 et seq., Mississippi Code of 1972, as amended (the "TIF Act") and Section 57-64-1 et seq., Mississippi Code of 1972, as amended (the "REDA Act"), to undertake and carry out redevelopment projects within an area determined by the County to be in need of development and/or redevelopment and designated as appropriate for redevelopment in accordance with redevelopment and tax increment financing plans adopted by the Board of Supervisors (the "Governing Body" or "Board") of the County; and

**WHEREAS**, the County has heretofore approved a redevelopment plan entitled Tax Increment Redevelopment Plan, Madison County, Mississippi, 2003 (the "Redevelopment Plan"); and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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**WHEREAS**, on December 17, 2004, the Governing Body of the County adopted and approved the Tax Increment Financing Plan, Colony Park Project, Madison County, Mississippi, December 2004 (the "TIF Plan"); and

**WHEREAS**, the Board has heretofore entered into a Regional Economic Development Alliance Agreement with the City for the purpose of assisting in the development of the Colony Park Project pursuant to the REDA Act, and providing the financing of various infrastructure and site improvements in connection therewith; and

**WHEREAS**, on May 15, 2006, this Board of Supervisors approved and acknowledged the form of a Security and Reimbursement Agreement that was to be executed by and between the City of Ridgeland, Mississippi, and Township Land Company, LLC ("Township"), and acknowledged and approved by the County regarding the development by Township of 100+/- acres within the Colony Park Project area and the issuance of Bonds by the City to assist with the development thereof (the "Township Security and Reimbursement Agreement"); and

**WHEREAS**, also on May 15, 2006, this Board of Supervisors approved and acknowledged the form of a Security and Reimbursement Agreement that was to be executed by and between the City of Ridgeland, Mississippi, and Highland Colony Land Company, LLC ("Highland Colony"), regarding the development by Highland Colony of 180+/- acres within the Colony Park Project area and the issuance of Bonds by the City to assist with the development thereof (the "Highland Colony Security and Reimbursement Agreement," together with the "Township Security and Reimbursement Agreement," the "Security and Reimbursement Agreements"); and

**WHEREAS**, the City has previously issued the first series of Tax Increment Financing Bonds, Series 2009 (Colony Park Project), in the principal amount of \$24,625,000 (the "Series 2009 Bonds") of an authorized \$35,000,000 for the Colony Park Project; and

**WHEREAS**, it is now necessary for the City to move forward with the issuance of the second and final series of Tax Increment Financing Bonds, Series 2011 (Colony Park Project), in the principal amount of \$10,375,000 (the "Series 2011 Bonds"); and

**WHEREAS**, to clarify the respective roles to be played by the City and the County in paying the debt service on the Series 2009 Bonds issued by the City on behalf of itself and the County, the City and the County have entered into the Tax Pledge Agreement which is attached hereto as Exhibit "A," which is still in full force and effect relative to the Series 2009 Bonds and the proposed Series 2011 Bonds; and

**WHEREAS**, the Security and Reimbursement Agreements require that the City shall not execute any bond document authorizing the issuance of the Bonds (the "Bond Documents") without the prior approval of the Bond Documents by the County, which Bond Documents are attached hereto as Exhibit "B."

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS:**

1. That the Tax Pledge Agreement is hereby reaffirmed in the form attached hereto as Exhibit "A."
2. That the issuance of the Series 2011 Bonds by the City is hereby approved and the Bond Documents, including exhibits and appendices attached thereto, presented to the Board in connection with the Series 2011 Bonds are hereby acknowledged and approved in substantially the form attached hereto as Exhibit "B," with such changes, additions and deletions as shall be approved by the Mayor and the Clerk of the City and the President of the Board and the Chancery Clerk of the County, their execution thereof signifying their approval, where applicable.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Supervisor Paul Griffin seconded the motion to adopt the foregoing resolution and the same having been read and considered, section by section, and put to a roll call vote, the result was as follows:

Supervisor John Bell Crosby	voted: Aye
Supervisor Tim Johnson	voted: Aye
Supervisor D. I. Smith	voted: Aye
Supervisor Karl Banks	voted: Aye
Supervisor Paul Griffin	voted: Aye

The motion having received the affirmative vote of a majority of the members of the Governing Body present, the President of the Board declared the motion carried and the resolution adopted on this the 4th day of April, 2011.

EXHIBIT A  
Tax Pledge Agreement  
(which may be found in the Miscellaneous Appendix to these Minutes)

EXHIBIT B  
Bond Documents  
(which may be found in the Miscellaneous Appendix to these Minutes)

***In re: Consideration of Zoning Violation -  
Reverend Howard Nichols/Highway 16 West and  
Ms. Thelma G. Riley Randall/Twin Lakes Drive***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and advised the Board of what he deemed to be continuing violations of Rev. Howard Nichols on property located on Highway 16 West and Ms. Thelma G. Riley Randall on property located on Twin Lakes Drive regarding rubbish on property belonging to each in violation of county's zoning ordinance, and

WHEREAS, the property in question is that described as tax parcel number 102G-36-023/00.00 belonging to Rev. Nichols, and

WHEREAS, the property in question is that described as tax parcel number 083E-15B-001/00.00 belong to Ms. Randall, and

WHEREAS, Mr. Sellers did give written notice, by certified mail, of the continued violations to each party, and

WHEREAS, true and correct copies of certain explanatory memoranda dated March 10, 2011 from Mr. Scott Weeks with the Planning and Zoning Department detailing the violations may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct the Road Manager to clean said properties according to the county's zoning ordinance and to place an assessment on the owner's respective tax bills. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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the matter carried unanimously and the Road Manager was and is hereby authorized and directed.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Approval of Budget Amendments and Interfund Transfers***

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments and Interfund Transfers April 4, 2011," a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve said budget amendments. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said budget amendments and interfund transfers were and are hereby approved and adopted.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Approval of Claims Docket for April 4, 2011***

WHEREAS, the Board reviewed the claims docket for April 4, 2011; and

WHEREAS, the Comptroller did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, Ms. Green requested the Board reject the claim of MICTA being claim number 2126 in the amount of \$100.00 as shown on said claims docket,

Following discussion, Mr Paul Griffin did offer and Mr. Karl M. Banks did second a motion to reject the aforementioned claim of MICTA . The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye <sup>1</sup>
Supervisor Paul Griffin	Aye

the matter carried unanimously and said claim was and is hereby rejected.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

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<sup>1</sup>After casting his vote on this matter, Mr. Banks did fully and completely recuse himself from all discussions, deliberations and debate of the next succeeding matter, excused himself from the meeting, and physically departed the meeting room.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Thereafter, Ms. Green presented the following summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	2068 to 2125, 2127 to 2200	132	1,054,875.73
002	16 to 16	1	5,270.92
012	114 to 123	10	12,905.72
014	7 to 7	1	2,464.57
051	26 to 31	6	297,619.23
095	13 to 15	3	172,652.72
096	7 to 8	2	2,965.58
097	162 to 175	14	32,292.10
105	118 to 128	11	41,794.44
108	6 to 7	2	2,901.45
114	17 to 17	1	998.28
115	77 to 80	4	407.72
116	29 to 31	3	626.32
120	50 to 53	4	555.77
121	22 to 24	3	184.65
137	3 to 4	2	136,859.58
150	492 to 540	49	178,320.47
160	66 to 70	5	45,676.06
170	5 to 6	2	94,732.57
180	5 to 5	1	51.22
190	87 to 95	9	5,975.11
226	9 to 11	3	1,634,947.88
302	86 to 93	8	429,917.62
304	12 to 12	1	6,664.90
401	18 to 19	2	8,867.47
402	3 to 3	1	2,710.00
690	12 to 14	3	161,358.14
691	12 to 14	3	173,864.32
TOTAL ALL FUNDS		286	4,508,460.54

#### **HELD CLAIMS**

Fund	Claim No.	Payee	Amount
302	86	VCR I, LLC	\$ 59,291.67
302	87	Utility Constructors, Inc.	\$ 145,093.07
302	89	Warnock & Associates, LLC	\$ 35,161.04
302	89	Warnock & Associates, LLC	\$ 132,000.00
302	93	ROW Consultants, LLC	\$ 5,550.00

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the above noted held claim of VCR I, LLC in the amount of \$59,291.67; the held claim of Warnock & Associates in the amount of \$35,161.04; the held claim of Utility Constructors, Inc. in the amount of \$145,093.07; and the held claim of ROW Consultants, LLC in the amount of \$5,550.00. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said Held Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 12 of 16 (4/4/11)***

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the remaining above noted held claim of Warnock & Associates in the amount of \$132,000.00. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by majority vote (3-1) of the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

Thereafter and following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to approve the remainder of the claims docket as presented. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit U, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Authorization to Begin Mosquito Spraying***

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested the Board authorize the Volunteer Fire Departments begin spraying for mosquitos around the county,

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Volunteer Fire Departments begin spraying for mosquitos around the county. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Volunteer Fire Departments were and are hereby authorized..

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 13 of 16 (4/4/11)***

***In re: Acknowledgment of Invoices Submitted by the Parkway East Public Improvement District and Authorization to Pay Invoices***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented invoice numbers 396 through 398 submitted by the Parkway East Public Improvement District and represented that County Engineer Rudy Warnock had verified quantities associated with each and that the same were in order and could be acknowledged by the Board, and

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of Parkway East PID invoice numbers 396 through 398 , true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said invoices were and are hereby acknowledged.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

***In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session***

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss personnel matters and potential litigation matters,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing personnel matters and right of way acquisition, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Comptroller and Deputy Chancery Clerk Quandice Green, and Mr. Steve Pittman of Government Consultants. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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***In re: Entering into Executive Session***

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to enter into Executive Session to discuss personnel matters and potential litigation matters. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and President Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

During Executive Session Chancery Clerk Arthur Johnston presented invoice numbers 399 and 400 submitted by the Parkway East Public Improvement District and requested the Board consideration for payment,

Following a lengthy discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said invoices provided all unrestricted funds held by the District be applied to the May, 2011 payment of its Series 2005 Bond obligation. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said invoices were and are hereby approved with the aforementioned proviso.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

Thereafter, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and direct the Board Attorney to announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the President declared Executive Session declared adjourned, and the Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 4<sup>th</sup> day of April, 2011.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 15 of 16 (4/4/11)***

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor D. I. Smith and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, April 25, 2011 at 9:00 a. m. for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

\_\_\_\_\_  
Tim Johnson, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

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